

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERIC FLORES,

Petitioner/Plaintiff,

v.

No. 15cv937 JCH/WPL

UNITED STATES ATTORNEY GENERAL,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Petitioner's failure to comply with the Court's Order that Petitioner cause an attorney licensed to practice in this Court to enter an appearance in this case on Petitioner's behalf.

Petitioner is a restricted filer. *See* Doc. 12, filed December 12, 2012, in D.N.M. No. 12cv1165 JCH/RHS. Based on Petitioner's "egregious history of repetitively filing frivolous and delusional lawsuits in this and other federal courts," the Court concluded that filing restrictions were appropriate. *Id.* at 1-2. The Court ordered that Petitioner may not file a lawsuit in this Court "unless either (i) an actively and currently licensed attorney who has been admitted to practice before this Court signs the complaint and represents him or (ii) Flores first obtains permission to proceed *pro se*." *Id.* at 2.

In April, 2015, Petitioner submitted a Petition to Challenge the Constitutionality of the First Amendment, *Eric Flores v. United States Attorney General*, an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), a Judicial Notice of Adjudicative Facts, and a Motion to Transfer Multidistrict Litigation to the District of Columbia. *See* Doc. 1. Chief United States Magistrate Judge Karen B. Molzen "decided to not permit [Petitioner] to

initiate this new case because it is factually frivolous and cannot be salvaged by amendments.” Doc. 1 at 1. Chief United States District Judge M. Christina Armijo approved Chief Magistrate Judge Molzen’s decision to not permit Petitioner to initiate a new case *pro se*. *See id.* at 2. Petitioner did not file a complaint signed by a licensed attorney admitted to practice before this Court. The Court did not open a civil case.

Petitioner subsequently submitted a letter, dated October 12, 2015, along with a Civil Cover Sheet, an Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form), a Judicial Notice, and a Petition to Challenge the Constitutionality of the First Amendment. *See* Doc. 2. Petitioner states he is proceeding *pro se*.

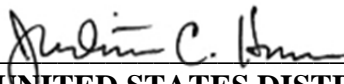
Because Petitioner has been denied permission to proceed *pro se* and is not represented by a licensed attorney, United States Magistrate Judge William P. Lynch ordered that “Petitioner must cause an attorney licensed to practice in this Court to enter an appearance in this case on Petitioner’s behalf,” and notified Petitioner that “[f]ailure to timely comply with this requirement may result in the dismissal of this case.” Doc. 3, filed October 21, 2015. Petitioner did not comply with Judge Lynch’s Order by the November 12, 2015, deadline.

The docket shows that the Clerk’s Office mailed a copy of Judge Lynch’s Order to Petitioner at the address provided by Petitioner. *Compare* Doc. 2 (Petitioner provides his address) *with* Doc. 7 (envelope sent by Clerk’s Office to Petitioner). That copy of Judge Lynch’s Order was returned to the Clerk’s Office marked “Return to Sender, Not Deliverable as Addressed, Unable to Forward.” Doc. 7. Three other documents mailed to Petitioner at the address provided by Petitioner were also returned as undeliverable. *See* Doc’s 4-6.

The Court will dismiss this case without prejudice because Petitioner did not cause an attorney licensed to practice in this Court to enter an appearance in this case on Petitioner’s

behalf by the November 12, 2015, deadline. While it appears that Petitioner did not receive a copy of Judge Lynch's Order by first class mail, it also appears that Petitioner did not comply with the District of New Mexico's Local Rule that he notify the Clerk, in writing, of any change in mailing address. *See* D.N.M.LR-Civ. 83.6.

IT IS ORDERED that this case is **DISMISSED without prejudice**.


UNITED STATES DISTRICT JUDGE